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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,112	10/11/2001	Greg Mercurio	CISCP715	1734
26541	7590	06/17/2005	EXAMINER	
RITTER, LANG & KAPLAN P.O. BOX 2448 SARATOGA, CA 95070			HAMZA, FARUK	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/977,112	MERCURIO, GREG	
	Examiner	Art Unit	
	Faruk Hamza	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed on March 18, 2005. Claims 7-17 and 28 are amended. Claims 1-28 are now pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11,13-24, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Emery et al. (U.S. Patent Number 5,758,281).

Emery teaches the invention as claimed including handset's registration with base station or wireless network (See abstract).

- <Claim 1>

As to claim 1, Emery teaches a wireless transceiver device, the wireless transceiver device being arranged to interface with a roaming device, the wireless transceiver device comprising:

computer code for causing static input information to be accepted;
(Column 16, lines 24-34; Column 19, lines 45-51, Emery discloses registration, deregistration and storing identification of handset with base station which is static input);

a memory arranged to store data, the memory further including an editable field, (Column 16, lines 24-34; Column 19, lines 45-51, Emery discloses registration, deregistration and storing identification of handset with base station. Therefore that memory filed is editable) wherein the computer code for causing the static input information to be accepted causes the static input information to be stored in the editable field; (Column 16, lines 24-34; Column 19, lines 45-51, Emery discloses registration, deregistration and storing identification of handset with base station. The identification number is static);

computer code for causing a record associated with the roaming device to be generated, the record being arranged to include the static input information stored in the editable field and the data, wherein the computer code for causing the record associated with the roaming device to be generated further causes the record to be stored on the memory; and (Column 16, lines 24-34; Column 19, lines 45-51, Emery discloses registration, deregistration and storing identification of handset with base station. That storage is part of memory and it must be editable at least first time. Information about calls history, phone log or phone book records are stored in memory) ;

a processor for executing the computer codes, wherein the memory is further arranged to store the computer codes. (Fig.3, Column 16, lines 24-34; Column 19, lines 45-51, Emery discloses registration, deregistration and storing identification of handset with base station).

- <Claim 2>

The wireless transceiver device of claim 1 further including computer code for obtaining the data, wherein the data is obtained when the roaming device is in communication with the wireless transceiver device. (Column 15, lines 44-59).

- <Claim 3>

The wireless transceiver device of claim 2 wherein the computer code for causing the record associated with the roaming device to be generated includes computer code for causing the record associated with the roaming device to be generated when the roaming device registers with the wireless transceiver device. (Column 16, lines 24-34).

- <Claim 4>

The wireless transceiver device of claim 2 wherein the computer code for causing the record associated with the roaming device to be generated includes computer code for causing the record associated with the roaming device to be

generated when the roaming device deregisters from the wireless transceiver device. (Column 19, lines 36-50).

- <Claim 5>

The wireless transceiver device of claim 1 wherein the static input information is a location associated with the wireless transceiver device, and the computer code for causing the static input information to be accepted include computer code for causing the static input information to be accepted from a source that is external to the wireless transceiver device. (Column 20, lines 5-14).

- <Claim 6>

The wireless transceiver device of claim 1 wherein the wireless transceiver device is an access point. (Column 16, lines 7-23).

- <Claim 7>

As to claim 7, Emery teaches a wireless transceiver device, the transceiver device being arranged to interface with a first device, the transceiver device comprising:

means for accepting input information; (Column 16, lines 24-34, Column 19, lines 36-51, Emery discloses registration, deregistration and storing

identification of handset with base station which is static input and that requires accepting input information)

means for storing data, the means for storing the data further including means for storing the input information in an editable field, wherein the means for accepting the input information includes means for providing the input information to the editable field; and (Column 16, lines 24-34, Column 19, lines 36-51, Emery discloses registration, deregistration and storing identification of handset with base station which is static input and that requires accepting input information)

means for generating a record associated with the first device, the record being arranged to include the input information stored in the editable field, wherein the means for storing the data further includes means for storing the record. (Column 16, lines 24-34; Column 19, lines 45-51, Emery discloses registration, deregistration and storing identification of handset with base station. That storage is part of memory and it must be editable at least first time. Information about calls history, phone log or phone book records are stored in memory).

- <Claim 8>

The transceiver device of claim 7 further including means for obtaining the data, wherein the data is obtained when the first device is in communication with the transceiver device. (Column 15, lines 44-59).

- <Claim 9>

The transceiver device of claim 8 wherein the means for generating the record include means for generating the record when the first device registers with the transceiver device. (Column 16, lines 7-34).

- <Claim 10>

The transceiver device of claim 8 wherein the means for generating the record include means for generating the record when the first device deregisters from the transceiver device. (Column 19, lines 36-50).

- <Claim 11>

The transceiver device of claim 7 wherein the input information is a location associated with the transceiver device. (Column 17, lines 18-25).

- <Claim 13>

The transceiver device of claim 7 wherein the transceiver device is an access point. (Column 16, lines 7-23).

- <Claim 14>

The transceiver device of claim 13 wherein the access point is a part of a wireless local area network, the transceiver device further including: means for obtaining the data from the first device when the first device is in communication

with the transceiver device to access the wireless local area network. (Column 19, lines 27-51).

- <Claim 15>

The transceiver device of claim 14 wherein the means for generating the record associated with the first device includes means for placing the data obtained from the first device in the record and means for placing the input information stored in the editable field in the record. (Column 16, lines 24-34).

- <Claim 16>

The transceiver device of claim 15 wherein the means for generating the record further includes means for obtaining the input information from the editable field. (Column 19, lines 27-51)

- <Claim 17>

As to claim 17, Emery teaches a method for utilizing a transceiver device, the transceiver device being a wireless transceiver device, the transceiver device having a communications range, the method comprising:

receiving static information into an editable field stored in memory associated with the transceiver device; (Column 16, lines 24-34; Column 19, lines 45-51, Emery discloses registration, deregistration and storing identification

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of handset with base station which is static input. That storage is part of memory and it must be editable at least first time)

storing the static information into the editable field; (Column 16, lines 24-34; Column 19, lines 45-51, Emery discloses registration, deregistration and storing identification of handset with base station which is static input. That storage is part of memory and it must be editable at least first time)

receiving an indication that a roaming device is within the communications range; (Column 8, lines 58-67, Emery teaches base unit detecting portable device's location)

creating a record, the record being arranged to include information associated with the roaming device; (Column 8, lines 58-67, Column 19, lines 36-51, Emery discloses registration, deregistration and storing identification of handset with base station. That is creating record regarding roaming device)

adding the static information into the record (Column 16, lines 24-34; Column 19, lines 45-51, Emery discloses registration, deregistration and storing identification of handset with base station which is static information); and

storing the record in the database. (Column 17, lines 54-62, Emery discloses storing record in database).

- <Claim 18>

The method of claim 17 wherein the static information is received from a source external to the transceiver device. (Column 17, lines 54-62).

- <Claim 19>

The method of claim 17 wherein the record is created after the indication that the roaming device is within the communications range is received. (Column 8, lines 58-67).

- <Claim 20>

The method of claim 17 wherein adding the static information into the record includes reading the static information from the editable field. (Column 19, lines 36-60)

- <Claim 21>

The method of claim 17 wherein the static information is information associated with a location of the transceiver device. (Column 17, lines 18-25).

- <Claim 22>

The method of claim 17 wherein the transceiver device is an access point.
(Column 16, lines 7-23).

- <Claim 23>

The method of claim 17 further including:

obtaining the information associated with the roaming device when the indication that the roaming device is within the communications range is received. (Column 8, lines 58-67).

- <Claim 24>

A method of configuring an access point comprising:

positioning the access point at a desired location; (Column 26, lines 31-38, Emery discloses having access point in different geographic region)

determining an address of the desired location; and (Column 19, lines 51-60, Emery teaches determining location by using identification number)

storing the address in a memory field, the memory field being associated with the access point. (Column 9, lines 1-21 Emery discloses registration with access point that requires storing address in memory field)

- <Claim 27>

The method of claim 24 wherein the memory field is an editable field, and storing the address in the memory field includes:

inputting the address into the access point. (Column 17, lines 18-25)

- <Claim 28>

The method of claim 27 wherein inputting the address into the transceiver device includes providing the address to the memory field. (Column 17, lines 18-25)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emery as applied above, and further in view of Stewart et al. (U.S. Patent Number 6,414,635).

Emery teaches the invention as claimed including handset's registration with base station or wireless network. (See abstract)

As to claim 12, Emery teaches the device of claim 11 above.

However, Emery explicitly doesn't teach including a longitude, a latitude and an altitude of location.

However, Stewart in an analogous art teaches including a longitude, a latitude and an altitude of location. (Stewart, Column 15, lines 9-17).

Since the inventions disclosed in Emery and Stewart encompasses the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Emery by adding a longitude, a latitude and an altitude of location that makes the system useful for service provider. The incorporation of a longitude, a latitude and an altitude of location in Emery would make the system versatile. (Stewart, Column 2, lines 47-49)

As to claim 25, Emery teaches the method of claim 24 above.

However, Emery explicitly doesn't teach including a longitude, a latitude and an altitude of address.

However, Stewart in an analogous art teaches including a longitude, a latitude and an altitude of address. (Stewart, Column 15, lines 9-17).

Since the inventions disclosed in Emery and Stewart encompasses the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Emery by adding a longitude, a latitude and an altitude of address that makes the system useful for service provider. The incorporation of a longitude, a latitude and an

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altitude of address in Emery would make the system versatile. (Stewart, Column 2, lines 47-49)

As to claim 26, Emery teaches the method of claim 24 above.

However, Emery explicitly doesn't indicate using of global positioning system receiver.

However, Stewart in an analogous art teaches using of Global Positioning System. (Stewart, Column 7, lines 35-40).

Since the inventions disclosed in Emery and Stewart encompasses the same field of endeavor, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Emery by adding Global Positioning System. The incorporation of Global Positioning System in Emery would make the system versatile. (Stewart, Column 2, lines 47-49)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

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- Turunen (U.S. Patent Number 6,484,211) has disclosed Mobile internet protocol for mobility of access hosts between networks.
- Lee et al. (U.S. Patent Number 6,535,493) disclosed Mobile Internet Protocol.
- Sturniolo et al. (U.S. Patent Number 6,154,461) has disclosed Seamless Roaming among Multiple Networks.
- Shoobridge (U.S. Patent Number 6,633,769) has disclosed Wireless Access Point Software System.
- Dynarski et al. (U.S. Patent Number 6,466,571) has disclosed Radius-Based Mobile Internet Protocol.
- Ton (U.S. Patent Number 6,771,623) has disclosed Method for ensuring Reliable mobile IP Service.
- Kageyama (U.S. Patent Number 6,760,770) has disclosed Portable Information System for Receiving Information Via Communication Network.

Response to Arguments

7. Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant is arguing A) Emery doesn't disclose static input information to be accepted and stored in an editable field of memory; B) Emery doesn't disclose that a wireless transceiver device includes computer code for record to be generated and stored in memory.

Applicant's arguments are inconsistent with the claims since the claims are not directed to a portable or mobile wireless transceiver device as argued by the applicant. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F .2d 924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached at 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155


BHARAT BAROT
PRIMARY EXAMINER